

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
	§	
v.	§	No. 1:23-MJ-00051-ML
	§	
(1) WAYNE WILSON GUMBS,	§	
<i>Defendant</i>	§	

ORDER

Before the Court is Defendant Wayne Gumbs’s Motion to Travel, Dkt. 13. Gumbs was arrested last month pursuant to a criminal complaint charging him with Receipt and Possession of, and Access with Intent to View, Child Pornography, in violation of 18 U.S.C. § 2252A. Dkts. 1, 9. The order setting the conditions of Defendant’s release restricts his travel to Travis and Williams Counties, Texas, unless approved by U.S. Pretrial Services, and further states “[n]o foreign travel permitted.” Dkt. 5. Defendant’s motion seeks a temporary modification to these restrictions to permit him to travel to St. Kitts and Nevis to attend a wedding and family reunion from March 9-14, 2023. Dkt. 13. The motion argues that Defendant is not a flight risk, citing his residence here in the United States, his prior military service, and his local employment. *Id.* The motion further notes that the U.S. and St. Kitts and Nevis share an extradition treaty which (presumably) could be utilized should Defendant have second thoughts about returning to the U.S. to face his child-pornography charges. At the time Defendant filed his motion, he had not received a

response from U.S. Pretrial Services regarding whether they approved of his travel. The undersigned has since learned that Pretrial Services does not oppose the motion.

The Government, however, does. Dkt. 14. The Government cites the significant sentence that Defendant will face if he is convicted, and notes that it is unclear whether the extradition treaty cited by Defendant could be utilized in his case. *Id.* The Government concedes while Defendant appears to have complied with his terms of release thus far, and that (though this goes unmentioned in his motion) he traveled to and returned from the British Virgin Islands shortly after his initial appearance (with court approval, to attend a funeral, as the undersigned learned from Pretrial). Nonetheless, in the Government's view, the flight risks attendant to international travel are too great.

The Court agrees with the Government. Having considered the motion, and the circumstances surrounding it, the undersigned cannot find that Defendant's request to travel internationally is appropriate, particularly in a case like Defendant's, where he faces a possible sentence of imprisonment of up to 20 years. Defendant's family ties to his proposed foreign destination, *see* Dkt. 13, at 1, further underscore the Court's concerns. The Court, therefore, **DENIES** Defendant's Motion to Travel, Dkt. 13.

SIGNED March 7, 2023.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE